

TOWNSHIP OF TOMS RIVER
A Municipal Corporation of the State of New Jersey
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOWNSHIP OF TOMS RIVER, N.J.,

Defendant,

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Civil Action No. 3:21-cv-04633

**DECLARATION OF
MAURICE B. HILL, JR.**

I, Maurice B. Hill, Jr., of full age, certify, declare, and state:

1. I am the duly-elected mayor of the Township of Toms River (“Toms River” or “Township”), Defendant in the above-captioned matter.

2. On March 11, 2021, a Consent Order was entered by the United States District Court for the District of New Jersey. This Consent Order memorialized a settlement between the Township and the United States Department of Justice (“USDOJ”) which averted litigation concerning the Township’s land use practices

and procedures pertaining houses of worship and religious assemblies, which USDOJ claimed violated the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. §§2000 et seq.

3. Section V of the Consent Order requires the Township to take certain corrective actions, including the enactment of revised zoning regulations affecting houses of worship; the development and implementation of a specialized complaint procedure to address alleged violations of RLUIPA or claims of religious discrimination through the enforcement of zoning and land use ordinances; training for certain Township officials; and the public posting of the Consent Order.

4. Section V of the Consent Order also requires the Township every six months to submit a report to both USDOJ and the Federal District Court detailing compliance with these requirements. The first of these reports was submitted on October 14, 2021; the second on March 17, 2022; the third on October 18, 2022; and the fourth on March 2, 2023. This is the fifth required report.

5. In accordance with ¶36 of the Consent Order, I submit this declaration certifying that the Township has complied with the requirements of Section V.

6. The Township incorporates by reference the representations stated in ¶¶6-9 of the first declaration of compliance. The various initiatives described in those paragraphs remain in full force and effect.

7. In addition, on July 19, 2022, the Township enacted, with USDOJ's input and approval, changes to the zoning ordinance enacted pursuant to the Consent Order to correct a lingering discrepancy in the off-street parking capacity requirements for similarly-situated secular and religious places of assembly. On April 19, 2022, USDOJ issued a notice of potential noncompliance pointing out the discrepancy, which was intended to be rectified in the original ordinance, but was inadvertently omitted. With USDOJ's blessing, the ordinance was amended to establish a uniform off-street parking requirement for comparable secular and religious places of assembly. The amendments also expanded the radius and locations for satellite parking. This ordinance remains in full force and effect.

8. In response to §Ve of the Consent Order, since the fourth compliance report, there has been one land use application by a religious institution. On October 12, 2023, the Ocean County Baptist Church, located at 1830 Old Freehold Road, Toms River, New Jersey. 08753, filed an application with the Zoning Board of Adjustment for an addition to its facility. The application was deemed administratively incomplete. The applicant is now in the process of revising the application to reflect that a D3 Use Variance and site plan approval are required. The applicant must also pay the required application fees.

9. In February 2021, shortly before entry of the Consent Order, two federal lawsuits were filed against the Township in the United States District Court

for the District of New Jersey: Khal Anshei Tallymawr, Inc. v. Twp. of Toms River, New Jersey, et al., Civ. Act. No. 3:21-cv-02716 (AET)(ZNQ), and Bais Barucha, Inc. et al. v. Toms River, New Jersey, et al., Civ. Act. No. 3:21-cv-03239 (FLW)(LHG). True and complete copies of the initial pleadings in those cases were attached to the first compliance report. On April 27, 2022, USDOJ filed Statements of Interest pursuant to 28 U.S.C. §517 in both cases.

10. Both suits remain pending. Discovery in both cases is ongoing and the parties have engaged in settlement negotiations.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated: October 23, 2023


MAURICE B. HILL, JR.